

Message Text

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INFO OCT-01 DHA-02 ARA-10 ISO-00 INSE-00 SCA-01 L-03 /019 R

DRAFTED BY D/HA/ORM:LARTHUR:AVR

APPROVED BY D/HA:JCARLIN

ORM - MR. PAPPAS (SUBS)

ARA - MR. D. STRASSER (SUBS)

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FM SECSTATE WASHDC

TO MR CHARLES PEREZ DISTRICT DIRECTOR INS EL PASO IMMEDIATE

UNCLAS STATE 268262

E.O. 11652 N/A

TAGS: SREF, DR (DIONISIO HERNANDEZ-HAMILTON, A18 287 307)

SUBJECT:REQUEST FOR ASYLUM

REF: INS LETTER OF OCTOBER 6, 1975

1. ON THE BASIS OF THE INFORMATION SUBMITTED, WE DO NOT BELIEVE MR. HERNANDEZ-HAMILTON HAS MADE A VALID CASE FOR REFUGEE STATUS. HE SAYS HE CANNOT RETURN TO THE DOMINICAN REPUBLIC BECAUSE OF HIS POLITICAL OPINION AND HIS MEMBERSHIP IN THE PARTIDO REVOLUCIONARIO, A PARTY WHICH ATTEMPTED TO OVERTHROW THE GOVERNMENT IN 1964. HE ALSO FEARS RETURN BECAUSE OF HIS RESPONSIBILITY FOR THE DEATH OF A FORMER DOMINICAN REPUBLIC SEAMAN.

2. HE CONTINUED TO RESIDE WITHOUT DIFFICULTY IN THE DOMINICAN REPUBLIC AFTER THE UNSUCCESSFUL REVOLUTION UNTIL HIS DEPARTURE IN 1970. HE WAS ABLE TO OBTAIN A DOMINICAN REPUBLIC SEAMAN'S PASSPORT IN 1969 WHICH DOES NOT IMPLY THAT THE AUTHORITIES CONTEMPLATED ANY ACTION AGAINST HIM OR HAD ANY INTEREST IN HIM.

3. HE WAS INDICTED FOR A SERIOUS BUT APPARENTLY NON-UNCLASSIFIED

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POLITICAL CRIME AND WAS EXONERATED. HE FEARS THAT HE WILL

FACE REPRISALS BY A RELATIVE OF THE DECEASED UPON HIS RETURN. WE AGREE WITH THE DISTRICT DIRECTOR IN THAT THERE HAS BEEN NO LEGAL PROOF SHOWN THAT HE WOULD BE

DENIED PROTECTION BY HIS GOVERNMENT ON HIS RETURN TO THE DOMINICAN REPUBLIC. ALSO, HE FAILS TO SUBSTANTIATE HIS ALLEGATION THAT THE GOVERNMENT OF THE DOMINICAL REPUBLIC WOULD PERSECUTE HIM FOR THAT ACT. WE DO NOT BELIEVE HE HAS ESTABLISHED A WELL-FOUNDED FEAR OF PERSECUTION WITHIN THE MEANING OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES.

4. UNLESS MR. HERNANDEZ-HAMILTON CAN PROVIDE MORE EVIDENCE TO SUPPORT HIS CLAIM, WE ARE UNABLE TO CONCLUDE THAT HE SHOULD BE EXEMPTED FROM REGULAR IMMIGRATION PROCEDURES ON THE GROUND THAT HE WOULD SUFFER PERSECUTION ON ACCOUNT OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP SHOULD HE RETURN TO THE DOMINICAN REPUBLIC. SHOULD HE PRESENT ADDITIONAL INFORMATION WHICH TO THE SERVICE SEEMS TO REQUIRE FURTHER REVIEW, WE WILL BE PLEASED TO DO SO.
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